

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEBRA TAVERAS, On Behalf of Herself and All
Others Similarly Situated,

C.A. No. 08-cv-6696

Plaintiff

vs.

UBS AG, *et al.*,

Defendants

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 8-8-08
DATE FILED: 8-8-08

BRIAN LUDLUM, On Behalf of Himself and All
Others Similarly Situated,

C.A. No. 08-cv-6868

Plaintiff

vs.

UBS AG, *et al.*,

Defendants

**ORDER CONSOLIDATING THE
ACTIONS, APPOINTING INTERIM CLASS COUNSEL,
AND TRANSFERRING THE CONSOLIDATED ACTION**

WHEREAS, the above-referenced actions (collectively, the “ERISA Actions”) allege breaches of fiduciary duties in violation of the Employee Retirement Income Security Act of 1974 (“ERISA”) involving the UBS Savings and Investment Plan (the “Plan”), a retirement plan established for the benefit of the employees of defendant UBS AG (“UBS” or “the Company”), and such actions involve common allegations;

WHEREAS, appointment of interim Class Counsel is appropriate and consistent with the recommendations of the *Manual for Complex Litigation* (4th ed. 2004) and Federal Rule of Civil Procedure 23(g)(2);

NOW, THEREFORE, THE COURT ORDERS as follows:

CONSOLIDATION OF RELATED ACTIONS

1. The ERISA Actions, and any action arising out of the same operative facts now pending or hereafter filed in or transferred to this Court, are hereby consolidated pursuant to Fed. R. Civ. P. 42(a) (“Consolidated Action”). They shall be referred to collectively as *In re UBS ERISA Litigation*, Master File No. 08-cv-6696.

CAPTION OF CASES

2. Every pleading filed in the Consolidated Action shall bear the following caption:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3. When a pleading or other court paper filed in the Consolidated Action is intended to apply to all actions therein, the words "All Actions" shall appear immediately after the words "THIS DOCUMENT RELATES TO:" in the caption set out above. When a pleading or other court paper is intended to be applicable to less than all such actions, the party filing the document shall indicate, immediately after the words "THIS DOCUMENT RELATES TO:" the action(s) to which the document is intended to be applicable by last name of the plaintiff(s) and the docket number(s).

MASTER DOCKET

4. A Master Docket is hereby established for the Consolidated Action, including actions subsequently consolidated herein pursuant to this Order. Entries in said Master Docket shall be applicable to the Consolidated Action, and entries shall be made therein in accordance with the regular procedures of the Clerk of this Court, except as modified by this Order.

5. When a pleading is filed and the caption, pursuant to this Order, shows that it is applicable to "All Actions," the Clerk shall file such pleading in the Master File and note such filing in the Master Docket. No further copies need be filed nor other docket entries made.

6. When a paper is filed and the caption shows that it is applicable to fewer than All Actions, the Clerk shall file the original of the paper in the Master File and a copy in the file of each separate action to which it applies and shall note such filing in the Master Docket and in the docket of each separate action. The party filing such paper shall supply the Clerk with sufficient copies of any such paper to permit compliance with this paragraph.

MASTER FILE AND SEPARATE ACTION FILES

7. A Master File is hereby established for the consolidated proceedings in the Consolidated Action. The Master File shall be Civil Action No. 08 Civ. 6696. The original of this Order shall be filed by the Clerk in the Master File herein established. The Clerk shall maintain a separate file for each action consolidated herein and filings shall be made in accordance with the regular procedures of the Clerk of this Court, except as modified by this Order. The Clerk shall file a copy of this Order in each such separate file. The Clerk shall mail a copy of this Order to counsel of record in each of the actions consolidated herein.

NEWLY-FILED OR TRANSFERRED ACTIONS

8. When a case that arises out of the same operative facts as the Consolidated Action is hereinafter filed in or transferred to this Court, it shall be consolidated as provided in paragraph 1 above and the Clerk of this Court shall:

- file a copy of this Order in the separate file for such action;
- mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or transferred case and to any new defendant(s) in the newly-filed or transferred case; and
- make the appropriate entry in the Master Docket.

9. The Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be consolidated as part of this litigation.

APPLICATION OF THIS ORDER TO SUBSEQUENT CASES

10. This Order shall apply to each class action assigned to the undersigned alleging claims similar to those set forth in these actions and brought on behalf of participants in or beneficiaries of the Plans. This Order shall apply to each such case which is subsequently filed in or transferred to this Court, and which is assigned to the undersigned, unless a party objecting to the consolidation of that case or to any other provision of this Order serves an application for relief from this Order or from any of its provisions within ten (10) days after the date of service of this Order on counsel of that party. The provisions of this Order shall apply to such action pending the Court's ruling on the application.

11. Unless a plaintiff in a subsequently filed or transferred case is permitted by the Court to use a separate complaint, defendants shall not be required to answer, plead or otherwise move with respect to that complaint. If a plaintiff in any such case is permitted to use a separate

complaint, each defendant shall have thirty (30) days from the date the Court grants such permission within which to answer, plead or otherwise move with respect to that complaint.

APPOINTMENT OF INTERIM CLASS COUNSEL

12. Wolf Haldenstein Adler Freeman & Herz LLP ("Wolf Haldenstein") and Gainey & McKenna ("Gainey & McKenna") are appointed Interim Co-Lead Counsel. Interim Co-Lead Counsel shall have the responsibilities and authority as follows:

- directing, coordinating, and supervising the prosecution of plaintiffs' claims in the Consolidated Action;
- retaining experts;
- communicating with the Court;
- communicating with defense counsel;
- conducting settlement negotiations;
- collecting and reviewing time and expense records from all plaintiffs' counsel;
- maintaining communication and promoting efficient and harmonious dealings among all plaintiffs' counsel; and
- coordinating activities to avoid duplication and inefficiency in the filing, serving and/or implementation of pleadings, other court papers, discovery papers, and discovery practice, and, generally, in the litigation.

13. No motion shall be initiated or filed on behalf of any plaintiff in the Consolidated Action except through Interim Co-Lead Counsel, and no work shall be performed by any other plaintiffs' counsel, except at the express direction of the Interim Co-Lead Counsel.

14. Service of pleadings and other papers by Defendants shall be made only upon Wolf Haldenstein and Gainey & McKenna, who are authorized and directed to accept service on behalf of all plaintiffs in this Consolidated Action and any later actions consolidated herewith.

15. All plaintiffs' counsel shall keep contemporaneous time and expense records and shall provide such records upon request to Interim Co-Lead Counsel.

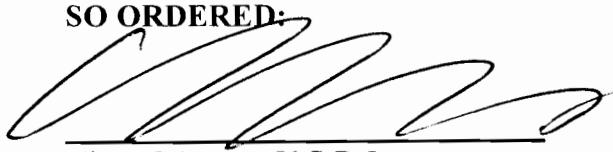
SCOPE OF ORDER

16. The terms of this Order shall not have the effect of making any person, firm or entity a party to any action in which he, she or it has not been named, served, or added as such in accordance with the Federal Rules of Civil Procedure.

TRANSFER TO THE HON. RICHARD J. SULLIVAN

17. Pursuant to Local Rule 15 of this Court, the Consolidated Action is deemed related to the action captioned *In re UBS AG Securities Litigation*, 07-cv-11225, presently pending before the Hon. Richard J. Sullivan. Accordingly, in the interest of judicial economy, efficiency, and the convenience of the parties, the Consolidated Action is transferred to the docket of Judge Sullivan for coordinated proceedings.

SO ORDERED:

A handwritten signature in black ink, appearing to read "VICTOR MARRERO" followed by "U.S.D.J." The signature is fluid and cursive, with the initials "U.S.D.J." written in a smaller, more formal script.

Victor Marrero, U.S.D.J.

Dated: August 7, 2008